
**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HILLERY J. BRINSON,)	
)	
Plaintiff,)	Case No. 18 CV 3733
)	
v.)	
)	
EAGLE EXPRESS LINES INC.,)	
)	JURYDEMAND
)	
Defendant.)	

**COMPLAINT
AS AND FOR A FIRST COUNT OF ACTION
(Title VII-SEXUAL HARASSMENT -HOSTILE ENVIRONMENT)**

Nature of the Action

1. This is an action under Title VII of the Civil Rights Act of 1964 and as amended by inter alia, the Civil Rights Act of 1991 ("ACT"), for the Defendant **EAGLE EXPRESS LINES INC.,** ("EAGLE") having subjected Plaintiff, **HILLERY J. BRINSON,** hereinafter ("BRINSON") to Sexual Harassment (Hostile Environment) despite BRINSON'S complaints about the same.

JURISDICTION AND VENUE

2. Jurisdiction of this Court is invoked 28 U.S.C. Section 1331, 1337, 1343 and 1345, 1391 (e). This action is authorized and instituted pursuant to Title VII of the Civil Rights 1964 ("ACT"), 42 U.S.C.A. §§ 2000 (e) et seq.

3. The employment practice hereinafter alleged to be unlawful where and is now being committed in the Northern District of Illinois Eastern Division.

III. Parties

4. Brinson is a male who is a resident of Plainfield, Will County, Illinois.

5. Brinson was an employee of EAGLE.

6. At all times relevant, EAGLE was and is a corporation organized under the Laws of the State of Illinois and transacts business throughout the state .

7. EAGLE is an employer within the meaning of the ACT and has been at all times material to the allegations herein.

8. This action brought against the Defendant, EAGLE having subjected Plaintiff, BRINSON to sexual harassment (hostile environment) by Jim Barry in front of other employees, held BRINSON to ridicule, embarrassment, and humiliation by stating and implying that BRINSON was gay he wanted to hug and kiss BRINSON all over his body, despite BRINSON's complaint about the same. The conduct of Jim Barry was outrageous and intentional so as to inflict emotional distress in BRINSON.

9. Further, his Jim Barry has undermined the integrity of BRINSON with other employees.

10. Further, job efficiency of BRINSON became impaired by the wrongful conduct of

11. his supervisor making it very difficult to work at EAGLE.

12. As a result of this situation, BRINSON's health has been affected.

13. By reason of the hostile environment of EAGLE, BRINSON has suffered great pain, humiliation and mental anguish, all to his damage.

14. Further, said action on the part of the EAGLE was done with malice and reckless disregard for Plaintiffs' protected rights.

15. Defendant by its action or actions of its agents interfered with the terms and

conditions of Plaintiff's employment in violation of the Human Rights Act.

16. By reason of the harassment by Defendant, Plaintiff has suffered great pain, humiliation and mental anguish, all to his damage.

17. Plaintiff filed a discrimination charge against Defendant with the Equal Employment Opportunity Commission (EEOC) in March of 2015. That charge was timely filed, under the ACT. (See Exhibit "A")

18. On February 22, 2016, Plaintiff was sent a notice from the EEOC of his right to bring this action (See Exhibit "B"), and Plaintiff timely filed this action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

- A. Declare the conduct engaged in by Defendant to be in violation of Plaintiff's rights;
- B. For injunctive relief required to make Plaintiff whole for the losses caused by the violations of Defendant, including but not limited to reinstatement and/or lost wages;
- C. For compensatory damages in an amount according to proof;
- D. For costs of suit, including reasonable attorney's fees and expert fees, pursuant to Title VII of the Civil Rights Act;
- E. For such other and further relief as the court deems proper.

AS AND FOR A FIRST COUNT OF ACTION (RETALIATION)

19. Plaintiff realleges and incorporates by reference each allegation above.

20. On March 29, 2016, Plaintiff engaged in protected activity by reporting to his Supervisor, Ron Oldenburger, and Human Resources of the sexual harassment he was experiencing in his work environment.

21. On April 11, 2016, Plaintiff was suspended without cause or justification.

22. On April 22, 2016, Plaintiff was terminated without cause or justification.

23. This action brought against the Defendant, EAGLE having subjected Plaintiff, BRINSON to sexual harassment (hostile environment) by Jim Barry in front of other employees, held BRINSON to ridicule, embarrassment, and humiliation by stating and implying that BRINSON was gay he wanted to hug and kiss BRINSON all over his body, despite BRINSON's complaint about the same. The conduct of Jim Barry was outrageous and intentional so as to inflict emotional distress in BRINSON.

24. Said action on the part of the EAGLE was done with malice and reckless disregard for Plaintiffs' protected rights.

25. Defendant by its action or actions of its agents interfered with the terms and conditions of Plaintiff's employment in violation of the IHRA.

26. By reason of the retaliation by Defendant, Plaintiff has suffered great pain, humiliation and mental anguish, all to his damage.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

- A. Declare the conduct engaged in by Defendant to be in violation of Plaintiff's rights;
- B. For injunctive relief required to make Plaintiff whole for the losses caused by the violations of Defendant, including but not limited to reinstatement and/or

lost wages;

- C. For compensatory damages in an amount according to proof;
- D. For costs of suit, including reasonable attorney's fees and expert fees, pursuant to Title VII of the Civil Rights Act; and
- E. For such other and further relief as the court deems proper.

HILLERY BRINSON

BY: /s/ Michael T. Smith

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